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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT CALIFORNIA OF SAN FRANCISCO DIVISION**

In re:  
PG&E CORPORATION  
-and-  
PACIFIC GAS AND ELECTRIC  
COMPANY,  
☐ Affects PG&E Corporation  
☐ Affects Pacific Gas and Electric Company  
☒ Affects both Debtors

Case No.: 19-30088 (DM)

Chapter 11  
(lead case)  
(jointly administered)

**CONSOLIDATED MOTION TO  
ALLOW/DEEM TIMELY LATE  
FILING OF CLAIMANTS, AND  
MEMORANDUM OF POINTS  
AND AUTHORITIES;  
DECLARATION OF REGINA  
BAGDASARIAN IN SUPPORT**

**Hearing:** Only if requested  
**Location:** Via Zoom or Telephone

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1 TO THE HONORABLE DENNIS MONTALI, UNITED STATES BANKRUPTCY COURT  
2 JUDGE, THE OFFICE OF THE UNITED STATES TRUSTEE, AND ALL INTERESTED  
3 PARTIES:

4 Frantz Law Group, APLC represents thousands of victims of the Fires started by PG&E  
5 in 2017 (generally referred to as the “North Bay Fires”), 2018 (“Camp Fire”) and 2019  
6 (“Kincade Fire”). Frantz Law Group, APLC respectfully files this motion on behalf of Tyler  
7 Allen Dwelle (“Movants”) to deem timely late filing of proofs of claims (“Motion”).

8 **I. SUMMARY OF ARGUMENT**

9 A proof of claim may be deemed timely upon a showing of excusable neglect and lack of  
10 prejudice. In this case, due to a variety of stressors arising from the Camp Fire, as well as a  
11 misunderstanding as to the legitimacy of their claims, Movants were unable to timely file their  
12 proof of claim. Because there is no danger of prejudice to the Debtors as Debtors’ estates are  
13 solvent, and all creditors stand to be paid, the Motion should be granted to allow these survivors  
14 to have their claim deemed timely. This Court must determine whether to grant the Motion, and  
15 per the court order, attached hereto as Exhibit 1 is a brief statement for circumstance for each  
16 Movant.

17 **II. LEGAL ARGUMENT**

18 In Chapter 11 proceedings, bankruptcy courts have broad discretion to accept late filings,  
19 including proofs of claim, where tardiness is the consequence of “excusable neglect.” Fed. R.  
20 Bank. Pro. 9006(b)(1). This standard is “flexible,” and permits the Court to allow “late filings  
21 caused by inadvertence, mistake, or carelessness, as well as by intervening circumstances beyond  
22 the party’s control.” *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P’ship*, 507 U.S. 380, 389  
23 (1993). Where the party’s delay is caused by overwhelming personal distress, a late filing may  
24 be allowed on grounds of excusable neglect. See e.g., *In re Nw. Territorial Mint, LLC*, No. AP  
25 16 1217-CMA, 2018 WL 6187762, at \*5 (B.A.P. 9th Cir. Nov. 27, 2018) (“Excusable neglect  
26 can include sudden death, disability or illness of counsel, a close family member of counsel, or .  
27 . . the party.”); *In re Schultz*, 254 B.R. 149, 154 (B.A.P. 6th Cir. 2000) (same); *TCI Group Life*  
28

1 Ins. Plan v. Knoebber, 244 F.3d 691, 699 (9th Cir. 2001) (excusable neglect where party was  
2 experiencing extreme personal difficulties and was “distraught”) (overruled on other grounds);  
3 Comm. for Idaho's High Desert, Inc. v. Yost, 92 F.3d 814, 824 (9th Cir. 1996) (holding that  
4 “compelling circumstances” in one’s personal life may constitute excusable neglect).

5 The test for excusable neglect is “at bottom an equitable [inquiry].” Pioneer Inv. Servs.  
6 Co., 507 U.S. at 395. Courts in the Ninth Circuit generally examine four (4) factors in their  
7 analysis: (i) the danger of prejudice to the non-movant, (ii) the length of delay and its potential  
8 impact on the judicial proceedings, (iii) the reason for the delay, and (iv) whether the movant  
9 acted in good faith. See *id.* Each of these four factors weighs heavily in favor of Movants.  
10 Accordingly, their late proof of claims should be deemed timely.

11 In our present case, there will be no prejudice to PG&E by the Movant’s claim. The value  
12 of the Movants claims is marginal relative to the Debtors’ estates and the allowance of those  
13 claims will not disrupt the reorganization or distribution process. Debtors’ estates are solvent,  
14 and all creditors stand to be paid. See, e.g., *In re Best Payphones, Inc.*, 523 B.R. 54, 75-6 (Bankr.  
15 S.D.N.Y. 2015) and *In re Sheehan Mem’l Hosp.*, 507 B.R. 802, 803 (Bankr. W.D.N.Y. 2014)  
16 (where the chapter 11 estate is solvent, “the proper remedy for a late filing is not the  
17 expungement of a claim, but its allowance as a tardily filed claim only.).

18 Second, despite the late filing, the Movant’s claim will have essentially zero impact on  
19 the judicial proceedings and will not change PG&E’s reorganization process. There are tens of  
20 thousands of similarly situated claimants as the Movant, whose claims will be placed among  
21 them, resulting in no noticeable impact upon the distribution process. See e.g., *In re Dix*, 95 B.R.  
22 134, 138 (B.A.P. 9th Cir. 1988) (allowing proof of claim filed two-years late because “there is  
23 no indication [of] a negative impact on efficient court administration”); *In re Earth Rock, Inc.*,  
24 153 B.R. at 63 (finding excusable neglect where eight-month delay would not impact  
25 reorganization proceedings).

26 Third, the factual circumstances in each Movants situation are explained in Exhibit 1.  
27  
28 Movants also struggles from post-traumatic stress disorder as a result of the fire. Post-traumatic

1 stress disorder symptoms may start within one month of a traumatic event, but sometimes  
2 symptoms may not appear until years after the event.<sup>1</sup> These symptoms cause significant  
3 problems in social or work situations and in relationships.<sup>2</sup> They can also interfere with a  
4 person's ability to go about their normal daily tasks.<sup>3</sup>

5 PTSD symptoms can vary in intensity over time. Someone may have more PTSD  
6 symptoms when they are generally stressed, or when they come across reminders of a traumatic  
7 event they experienced.<sup>4</sup> In terms of wildfire victims, many feel stress, anxiety and panic when  
8 they smell even the slightest smoke, because it triggers a traumatic memory of their experience.  
9 Some even wake up multiple times at night to make sure there is not a fire nearby. In the present  
10 case, Movants were suffering the loss of a community, and being told they do not have a valid  
11 claim although they were struggling to pick up the pieces after the fire.

14 Another common symptom of PTSD is avoiding things that remind someone of the event.  
15 <sup>5</sup> For wildfire victims, this can include putting off filing a lawsuit in order to try to move on from  
16 the traumatic event. Unfortunately, for these types of wildfire victims, years later, they come to  
17 the realization that it is not possible to simply start over after the fire. A lot of wildfire victims  
18 have lost their homes, everything they own, their jobs, and their community. With a limited or no  
19 income at all, most wildfire victims are unable to rebuild and move on as they were trying to do.  
20 Similarly, here, Movant was told she did not have a claim, so she decided to try to move on and  
21 do whatever she can. As a result, due to excusable unawareness, the Movant did not timely file a  
22 proof of claim for their 2018 damages until after the bar date. See e.g., Comm. for Idaho's High  
23  
24

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25 <sup>1</sup> Post-traumatic stress disorder (PTSD) - Symptoms and causes, Mayo Clinic (July 6, 2018),  
26 [www.mayoclinic.org/diseases-conditions/post-traumatic-stress-disorder/symptoms-causes/syc-20355967](http://www.mayoclinic.org/diseases-conditions/post-traumatic-stress-disorder/symptoms-causes/syc-20355967).

27 <sup>2</sup> *Ibid.*

28 <sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> [About Face booklet \(va.gov\)](#)

Desert, Inc. v. Yost, 92 F.3d 814, 824 (9th Cir. 1996) (“compelling circumstances” in one’s personal life may constitute excusable neglect). After realizing the legitimacy of her claims and how difficult it is to start over, Movants contacted Frantz Law Group, APLC to evaluate their claim. During the normal course of due diligence, Frantz Law Group, APLC inquired about possible damages from the 2018 Camp Fire.

It would be unfair for the plaintiff to not be able to file their claim. Movant, like all other wildfire survivors, endured great trauma. Importantly, Movant’s claim is made in good faith. The aftermath of the fire caused the Movant to struggle mentally, physically, and emotionally. Due to Movant’s misinformation about the law, they did not understand the legitimacy of their claims which resulted in the Movant not filing a claim in time. Had Movant been aware of the bar date, Movants would have timely filed a proof of claim.

### **III. CONCLUSION**

For the foregoing reasons, this Motion should be granted, and the Movants claim should be deemed timely.

Dated: August 31, 2022

By: /s/ James P. Frantz

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I, Regina Bagdasarian, declare as follows:

1. I am an individual over 18 years of age and competent to make this Declaration.
2. If called upon to testify, I could and would competently testify as to the facts set forth in this Declaration. The facts set forth below are true based on my personal knowledge or through information obtained my staff.
3. I am an attorney of the law firm Frantz Law Group, APLC and I make this declaration in support of the Motion to Allow/Deem Timely Late Filing of Proof of Claim.
4. Movants attached hereto in Exhibit 1 are true and accurate factual circumstances.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 31, 2022.

/s/ Regina Bagdasarian

Regina Bagdasarian

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/s/ Regina Bagdasarian  
Regina Bagdasarian